

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SANDISK CORPORATION, a Delaware
corporation,

Plaintiff,

v.

RITEK CORPORATION, a Taiwanese
corporation,

Defendant.

CASE NO.: CV 01-4063 VRW

STIPULATED DISMISSAL WITH
PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41, plaintiff SanDisk Corporation ("SanDisk") states that it is the owner and assignee of United States Patent No. 5,602,987, entitled "Flash EEPROM System," ("the '987 Patent"). On October 31, 2001, SanDisk filed a complaint against defendant Ritek Corporation ("Ritek") alleging infringement of the '987 Patent. Ritek filed its Answer on December 12, 2001, denying infringement and alleging that the '987 patent is invalid and/or unenforceable. Ritek filed its Amended Answer on May 15, 2002, denying and alleging same.

//

//

SanDisk and Ritek hereby stipulate and this Court hereby adjudges as follows:

1. This Court has jurisdiction over the subject matter and the parties to this action, and venue is proper in this District.

2. SanDisk's claim for patent infringement of the '987 Patent against Ritek is dismissed with prejudice.

3. Ritek's claim for declaratory relief that the '987 Patent is not infringed and is invalid and/or unenforceable is dismissed without prejudice.

4. All prior orders in this action dated prior to July 9, 2007, including the claim construction orders, are vacated with respect to the dispute between SanDisk and Ritek. The orders shall remain in effect with respect to the dispute between SanDisk and the remaining defendants to this action.

5. The parties have entered into a Settlement Agreement, and the United States District Court for the Northern District of California shall retain exclusive jurisdiction to enforce the parties' Settlement Agreement.

6. The parties shall bear their own costs and attorneys' fees associated with the litigation of this matter.

THE ABOVE ORDER IS HEREBY STIPULATED TO AND AGREED BY THE PARTIES.

Dated: July 11, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 

James C. Yoon

Attorneys for Plaintiff
SANDISK CORPORATION

1 Dated: July 10, 2007

FISH & RICHARDSON P.C.

2
3 By: Alan D. Smith

4 Attorneys for Defendant
5 RITEK CORPORATION

6
7 PURSUANT TO THE STIPULATION OF THE PARTIES, IT IS SO ORDERED.
8

9 Dated: July 23, 2007

